

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

GALEN L. BROWN,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:08-CV-2049

JUDGE ANN ALDRICH

Magistrate Judge Greg White

MEMORANDUM AND ORDER

This matter was referred to Magistrate Judge White for a report and recommendation (“R&R”), which was filed on August 18, 2009. [Dkt. 22]. Magistrate Judge White recommended that the Commissioner’s final decision be vacated and that the case be remanded.

On September 1, 2009, the Commissioner notified this court that it would not be filing an objection to the R&R. [Dkt. 23]. Because neither party has filed an objection to the R&R, further review in this court of the R&R is waived. *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Accordingly, this court adopts the R&R in its entirety, and for the reasons stated therein, vacates the Commissioner's decision and remands the case for further proceedings consistent with the R&R.

Because the parties have not filed objections, they have waived their rights to appellate review.

*Miller*, 50 F.3d at 380. Therefore, this order is final, but not appealable.

IT IS SO ORDERED.

/s/ Ann Aldrich

ANN ALDRICH  
UNITED STATES DISTRICT JUDGE

**Dated: September 17, 2009**